



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

info@southernshores-nc.gov

www.southernshores-nc.gov

Planning Board Meeting

September 18, 2017

5:30 p.m., Pitts Center

MEETING MINUTES

I. CALL TO ORDER:

Chairperson Sam Williams called the meeting to order at 5:30 pm. Planning Board Members David Neal, Jay Russell, Sam Williams, alternate member Carlos Gomez, and Town Planner Wes Haskett were present.

II. PLEDGE OF ALLEGIANCE:

Chairperson Williams led the Pledge of Allegiance.

III. APPROVAL OF AGENDA:

Chairperson Williams stated that an election of Chairperson should be added to the agenda under New Business. Jay Russell motioned to approve the agenda as amended. David Neal seconded the motion. The motion passed unanimously (4-0).

IV. APPROVAL OF MINUTES:

Jay Russell motioned to approve the minutes from the August 21, 2017 Planning Board meeting. David Neal seconded the motion. The motion passed unanimously.

David Neal motioned to approve the minutes from the September 6, 2017 Special Planning Board meeting. Jay Russell seconded the motion. The motion passed unanimously.

V. PUBLIC COMMENT:

Vincent Veretti stated that he was in favor of what the Board is discussing and suggested that further action should be taken to allow grandfather suites similar to what was done in Rockville, Maryland where he previously worked as the Town Attorney. The suites would be apartments for family only and the use would not run with the property but with the owner.

VI. NEW BUSINESS:

A. Election of Chairperson

Jay Russell motioned to nominate Sam Williams as Chairperson. David Neal seconded the motion. The motion passed unanimously.

B. ZTA-17-05, a Zoning Text Amendment application submitted by the Town of Southern Shores to amend the Southern Shores Town Code by amending Section 16-5, Section 36-57, Section 36-202, Section 36-203, Section 36-205, Section 36-208, and Section 36-102 to allow living space within accessory structures.

Chairperson Williams introduced the application and called on Wes Haskett to present the Staff Report (attached). The Board discussed the zoning districts which would be affected by the proposed language and determined that the RS-10 district was not included and agreed that the proposed language should not apply to the OSW zoning district since there was no land within that zoning district. With respect to the proposed limitations that would apply to accessory structures with living space, the Board agreed that option 1 in the proposed language should apply which would restrict **the combination of both** a single-family dwelling and an accessory structure with living space on a single lot to 6,000 sq. ft. of enclosed living spaces. Chairperson Williams motioned to accept option 1 in the proposed language. David Neal seconded the motion. The motion passed unanimously.

The Board discussed the definitions of dwelling unit, living space, and habitable floors in the proposed language and agreed that the primary difference in dwelling unit and living space is independent cooking facilities. The Board agreed that the habitable floors definition could be removed since the Town no longer regulates the top plate in its building height requirements. Chairperson Williams suggested that independent cooking facilities should be removed from the definition of dwelling unit and a **stove and/or oven** should be added which would allow accessory structures with living space to contain hotplates, microwaves, and toaster ovens, **but not a stove and/or oven**. The Board agreed with the revisions.

Chairperson Williams pointed out that the proposed language does not address parking requirements or renting accessory structures with living space. Some jurisdictions that allow accessory structures with living space require one or two parking spaces for the structure in addition to what is required for the single-family dwelling. The Board agreed that parking is based on septic capacity for the property and increasing the septic capacity for living space in an accessory structure would be subject to those requirements. With respect to renting accessory structures, the Board agreed that the Town Council may want to address the issue separately.

The Board continued discussing the definition of dwelling unit and whether or not to revise it further by adding "and/or" before sleeping facilities. Chairperson Williams motioned to remove "and sleeping facilities" from the definition of dwelling unit. David Neal seconded the motion. The motion passed unanimously.

Jay Russell motioned to accept the proposed Zoning Text Amendment (ZTA) application as amended. Jay Russell seconded the motion. The motion passed unanimously.

Chairperson Williams motioned that the Board finds the ZTA is consistent with the Town's currently adopted Land Use Plan and that it is reasonable and within the public's interest. David Neal seconded the motion.

VII. OLD BUSINESS:

A. Town Code Update Module One Discussion

Chairperson Williams stated that he had not presented the Board's recommended list of complex issues to the Town Council since they had not met since the last Planning Board meeting.

VIII. PUBLIC COMMENT:

Mark Martin stated that accessory structures could be attached or detached and the proposed language addressed his issues.

Vincent Veretti expressed concern with the recommended language because it may only allow one kitchen in a single-family dwelling and it may only allow one stove or oven in a single-family dwelling.

Michelle Darden addressed parking requirements for accessory structures and expressed concern with not knowing that the Town would remove the top plate height requirement when her home was being built.

IX. PLANNING BOARD MEMBER COMMENTS:

None.

X. ANNOUNCEMENTS:

Chairperson Williams announced that the next meeting would be held on October 16, 2017 to consider CUP-17-02 to allow a Jersey Mike's Subs restaurant at the Marketplace shopping center.

XI. ADJOURNMENT:

Jay Russell motioned to adjourn. Carlos Gomez seconded the motion. The motioned passed unanimously and the meeting adjourned at 7:00 p.m.

ATTEST:



Sam Williams, Chairperson

RESPECTFULLY SUBMITTED:



Wes Haskett, Town Planner

STAFF REPORT

To: Southern Shores Planning Board
Date: September 14, 2017
Case: ZTA-17-05
Prepared By: Wes Haskett, Town Planner/Code Enforcement Officer

GENERAL INFORMATION

Applicant: Town of Southern Shores

Requested Action: Amendment of the Town Zoning Ordinance and Flood Damage Prevention Ordinance by amending Section 16-5, Section 36-57, Section 36-202, Section 36-203, Section 36-205, Section 36-208, and Section 36-102 to allow living space within accessory structures

ANALYSIS

As directed by the Town Council, Town Staff is proposing to amend the Town Zoning Ordinance and Flood Damage Prevention Ordinance by amending Section 16-5, Section 36-57, Section 36-202, Section 36-203, Section 36-205, Section 36-208, and Section 36-102 to allow living space within accessory structures. The Town Council recently approved ZTA-17-01 which established all previously permitted residential accessory structures containing living space as legally nonconforming as of January 1, 2017. Following that approval, the Town Council discussed and informally agreed that accessory structures with living space could be allowed as long the living space in the accessory structures contribute to the maximum 6,000 sq. ft. of enclosed living space that applies to single-family dwellings.

With respect to the Zoning Ordinance, the proposed language modifies the definition of "dwelling unit", "habitable floors and stories (living space)", and establishes new definitions of "enclosed living space", "habitable space", and "living space". The proposed language allows "living space" within accessory structures as defined in its new definition and prohibits "dwelling units" within accessory structures as defined in its modified definition. One example that would be in compliance with the proposed language is a detached garage with living space above. The living space would be allowed as long as it doesn't contain independent cooking and sleeping facilities which would constitute a dwelling unit.

Traditional interpretations of independent cooking facilities include a stove/oven but others have argued that microwaves and hot plates should also be included. Other items to consider are parking requirements and if anyone other than the property owners or family of the property owners should be allowed to occupy the accessory structure. With respect to the Flood Damage Prevention Ordinance, the proposed language would allow living space within accessory structures as long it is above the regulatory flood elevation. An elevation certificate would be required for all accessory structures containing living space.

The Town's currently adopted Land Use Plan contains the following Goal and Policy that are applicable to the proposed ZTA:

- **Policy 2:** The community values and the Town will continue to comply with the founder's original vision for Southern Shores: a low density (1-3 units per acre) residential community comprised of single family dwellings on large lots (20,000 square

feet or larger) served by a small commercial district (56 acres out of 2,175 acres) for convenience shopping and services located at the southern end of the Town. This blueprint for land use naturally protects environmental resources and fragile areas by limiting development and growth.

RECOMMENDATION

Town Staff has determined that the proposed amendment is consistent with the Town's currently adopted Land Use Plan and Town Staff recommends that the Board consider this when making its recommendation to the Town Council. Please note that prior to adopting or rejecting any zoning amendment, the Planning Board shall adopt a statement describing whether its action is consistent with the adopted Town Comprehensive Land Use Plan and explaining why the Planning Board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.